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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,597	11/20/2003	Andre Meunier	3042-1B	7198

25645 7590 07/05/2005

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EXAMINER

BOEHLER, ANNE MARIE M

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,597

Applicant(s)

MEUNIER ET AL.

Examiner

Anne Marie M. Boehler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

DETAILED ACTION

1. Newly submitted claim 19 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 19 recites a method for steering a ski, classified in 280/606, whereas claims 1-18 claim a snowmobile and snowmobile skis, classified in 180/182.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 19 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 7-8, 10-13, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons in view of Fulsom.

Simmons shows a snowmobile ski 10 with a pivot joint 30 on a top surface of the ski, laterally spaced longitudinal keels 20 extending from the ski bottom surface, and longitudinal depressions 44 in the sole of the ski. In column 5, lines 44-45, Simmons teaches that a central keel, not shown but commonly known in the art, may be used in addition to the lateral keels.

Simmons fails to show a central keel longitudinally offset relative to the lateral keels.

Fulson shows a runner with two keel embodiments. One embodiment has two long lateral keels. The second embodiment, shown in Figure 5, includes two short lateral keels 28, 30, positioned along the forward half of the runner, and a third, central keel 32 positioned along the rear half of the runner.

It would have been obvious to one of ordinary skill in the art to provide the Simmons skis with forward lateral keels and a rearward central keel, as taught by Fulsom, in order to improve stability.

4. Claims 1-3, 7-13, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons in view of Lavecchia.

Simmons shows a snowmobile ski 10 with a pivot joint 30 on a top surface of the ski, laterally spaced longitudinal keels 20 extending from the ski bottom surface, and longitudinal depressions 44 in the sole of the ski. In column 5, lines 44-45, Simmons teaches that a central keel, not shown but commonly known in the art, may be used in addition to the lateral keels.

Simmons fails to show a central keel longitudinally offset relative to the lateral keels.

Lavecchia shows a runner with two lateral keels 16 positioned, at least partly, in the forward half of the runner, and a third, central keel 18 (referred to as a "stabilizing runner" in col. 3, line 35) positioned along the rear half of the runner, longitudinally offset

from the lateral keels. A recess 20 extends along the center of the front of the runner then forks on either side of the central keel 18.

It would have been obvious to one of ordinary skill in the art to provide the Simmons skis with forward lateral keels and a rearward central keel, as taught by Lavecchia, in order to improve stability.

5. Claims 5, 6, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons and Lavecchia as applied to claims 1013 above, and further in view of Cormican (PGPub 2002/0185829).

The combination is silent regarding the steering pivot configuration.

Cormican shows a snowmobile with skis 14. Each ski is pivotally connected to a steering pivot 16 that extends upwardly, rearwardly, and inwardly from the ski (see Figures 3 and 4).

It would have been obvious to provide the Simmons snowmobile with a suspension having an angled steering pivot, as taught by Cormican, in order to provide a high performance suspension.

6. Applicant's arguments filed March 18, 2005 have been fully considered but they are not persuasive.

Applicant states that the prior art fails to teach depressions on opposite sides of the central keel. The examiner disagrees. Simmons teaches depressions 44 along the entire length of the ski. These depressions are laterally as well as centrally located. It would have been clear to one of ordinary skill in the art that the depressions would remain when even with the configuration including a central keel. Also, Lavecchia

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includes depressions 19 on opposite sided of the central keel 18. Therefore, the prior art is believed to teach all of applicant's claimed structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M. Boehler whose telephone number is 571-272-6641. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6612. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 6/27/05

Anne Marie M Boehler
Primary Examiner
Art Unit 3611

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